

OLL 85-2489
26 August 1985

MEMORANDUM FOR: DDA
General Counsel
Deputy General Counsel

(b)(3)

FROM:

Legislation Division
Office of Legislative Liaison

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SUBJECT: Affirmative Action Program at State -
Provision in the State Department Authorization
Bill

1. The following is provided to you by way of information. The provision of law in question does not have a direct impact on the Agency.

2. You will recall that by memorandum date 24 July 1985, this office indicated that Representative Gray had, during floor debate, successfully added to the House version of the foreign aid bill (H.R. 1555 - the International Security and Development Cooperation Act of 1985) a provision requiring those agencies using the Foreign Service personnel system (e.g., the State Department but not the Agency) to implement a more thorough-going affirmative action program at the mid and senior levels for women and minorities.

3. This provision was generally duplicative of a provision in the House version of the State Department authorization bill (H.R. 2068 - the Foreign Relations Authorization Act, Fiscal Year 1986 and 1987). There were, in fact, several sections in the former bill which duplicated sections in the latter. As a result, it was agreed between the House and Senate that the conferences on both bills would address this problem by informally agreeing between themselves as to which provision would go into which bill. As a result, the aforementioned provision was deleted from the foreign aid bill and added to the State Department authorization bill.

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4. In addition, as a result of negotiations with Representative Gray's staff, the final version of the affirmative action provision, as added to the State authorization bill, was somewhat less rigorous than the version originally added to the foreign aid bill, in particular being limited to mid-level positions.

5. I have attached for your use and information a copy of the provision as contained in the conference report on the State authorization bill. The report did not include any discussion of this section. The conference report subsequently passed both houses and was signed into law by the President on 16 August 1985 as Public Law 99-93.

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Attachment
as stated

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99TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
99-240FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS
1986 AND 1987

JULY 30, 1985—Ordered to be printed

Mr. MICA, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2068]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2068) to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes, having met, after the full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1986 and 1987".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1 Short title and table of contents

TITLE I—DEPARTMENT OF STATE

- Sec. 101. Authorizations of appropriations.
- Sec. 102. Permanent authorizations of appropriations.
- Sec. 103. United Nations peacekeeping forces.
- Sec. 104. Security earmark.
- Sec. 105. Liaison by the National Commission on Educational, Scientific, and Cultural Cooperation.
- Sec. 106. Australian Bicentennial.
- Sec. 107. World Commission on Environment and Development.
- Sec. 108. Earmarking of refugee assistance funds.
- Sec. 109. International Committee of the Red Cross.

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SEC. 151. EMPLOYEES OF THE UNITED NATIONS.

(a) **INITIAL REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Congress on whether, and the extent to which, international civil servants employed by the United Nations, including those seconded to the United Nations, are required to return all or part of their salaries to their respective governments. The Secretary shall also include in this report a description of the steps taken by the Department of State and by the United States Representative to the United Nations to correct this practice.

(b) **REPORT ON STEPS TO CORRECT PRACTICE.**—The Secretary of State shall determine and report to the Congress on whether substantial progress has been made by June 1, 1986, in correcting the practice of international civil servants employed by the United Nations being required to return all or part of their salaries to their respective governments.

(c) **REDUCTION IN CONTRIBUTION IF SUBSTANTIAL PROGRESS NOT MADE.**—If the Secretary of State determines pursuant to subsection (b) that substantial progress has not been made in correcting this practice, the Secretary shall submit recommendations to the Congress together with the report required in subsection (b) as to corrective measures to be taken, including a reduction of the amount of the United States annual assessed contribution to the United Nations by the amount of that contribution which is the United States proportionate share of the salaries of those international civil servants employed by the United Nations who are returning any portion of their salaries to their respective governments.

(d) **NATIONAL TAXATION.**—This section does not apply with respect to payments made for purposes of national taxation in accordance with formal treaty reservations concerning such taxation by a member state of the United Nations.

SEC. 152. REPRESENTATION OF MINORITIES AND WOMEN IN THE FOREIGN SERVICE.

(a) **DEVELOPMENT OF PROGRAM.**—The head of each agency utilizing the Foreign Service personnel system shall develop, consistent with section 7201 of title 5 of the United States Code, a plan designed to increase significantly the number of members of minority groups and women in the Foreign Service in that agency.

(b) **EMPHASIS ON MID-LEVELS.**—Each plan developed pursuant to this section shall, consistent with section 7201 of title 5 of the United States Code, place particular emphasis on achieving significant increases in the numbers of minority group members and women who are in the mid-levels of the Foreign Service.

(c) **REPORTS TO CONGRESS.**—The head of each agency utilizing the Foreign Service personnel system shall report annually to the Congress on the plan developed pursuant to this section as part of the report required to be submitted pursuant to section 105(d)(2) of the Foreign Service Act of 1980. Subsequent reports pursuant to that section shall include reports on the implementation of these plans, giving particular attention to the progress being made in increasing, through advancement and promotion, the numbers of members of minority groups and women in the mid-levels of the Foreign Service.